

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

_____)	
IN RE YASMIN AND YAZ)	3:09-md-02100-DRH-PMF
(DROSPIRENONE) MARKETING, SALES)	
PRACTICES AND PRODUCTS LIABILITY)	MDL No. 2100
LITIGATION)	
_____)	

This Document Relates to:

ALL CASES

MINUTES OF TELEPHONE CONFERENCE

PRESIDING: Chief Judge David R. Herndon

DATE: August 29, 2011

PLACE: East St. Louis, Illinois

COURT REPORTER: Laura Blatz

COURTROOM DEPUTY: Sandy Pannier

**APPEARING FOR PLAINTIFFS: Roger Denton, Mark Niemeyer, Michael London,
Janet Abaray,**

**APPEARING FOR DEFENDANTS: Doug Marvin, Adam Hoeflich, Susan Weber,
Brian Preston, Michael Suffern, John Galvin**

TIME: 3:00 PM - 4:00 PM

This hearing was requested pursuant to objections by defendants to upcoming expert deposition of Dr. Lidegaard. Defendants are seeking facts considered by Dr. Lidegaard in rendering his opinion.

Ms. Abaray advises Dr. Lidegaard produced a list of what he relied on to prepare his report. The analysis he did has raised concern and objections. Defendants contend doctor is relying upon material that has not been produced to them.

Court agrees that if there is something that Dr. Lidegaard has considered in preparing his report, counsel is entitled to it in advance of the deposition and has encouraged this throughout this litigation.

To the extent that there are documents, or data or any of the things that the defendant has requested that the doctor considered, and that Bayer does not yet have in its possession and that the doctor has in his possession or reasonably under his control or can obtain, then that has to be provided

at least 7 days prior to the deposition. Anything that is within the usual course of this kind of analysis and scholarly work, if it was considered by him, must be turned over and if there is a question as to whether or not Bayer has it, they must turn it over. If he did not consider it, he does not have to turn over.

The unpublished manuscript, its peer review comments, and the underlying data are not to be produced at this time.